## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA

DeWayne Alphonza El-Bey,	) Case No. 2:16-cv-3241-RMG-MGB
77. 4. 400	)
Plaintiff,	)
v.	)
	) REPORT AND RECOMMENDATION
Frederick Reed Hoose, et al.,	
Defendants.	)
	)
	_ )

DeWayne Alphonza El-Bey ("Plaintiff") filed this civil action pursuant to 42 U.S.C. § 1983. (DE #1, Complaint, filed September 26, 2016). Plaintiff (non-prisoner) is proceeding *pro se* and *in forma pauperis*. This Court issued a Proper Form Order on October 4, 2016, giving Plaintiff twenty-one (21) days, plus three (3) days for mail time, from the date of entry of the Order to bring this case into proper form, pursuant to General Order, Case No. 3:07-mc-5015-JFA (D.S.C. Sept. 18, 2007) *In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*. (DE# 7). Plaintiff has failed to bring this case into proper form, and the time for doing so has expired.

The Clerk of Court mailed a copy of the Order of October 4, 2016 to Plaintiff at his last known address of record, i.e. 1953 Jacksonville Road, North Charleston, SC 29405. The mail in which the Order was sent to Plaintiff's address was not returned. The Order of October 4, 2016 warned Plaintiff that his failure to provide the necessary items within the timetable set forth in the Order would subject this case to dismissal. Plaintiff has failed to respond to the Order of October 4, 2016 within the time permitted under the Order. The mail in which the Order was sent to Plaintiff was not returned. Plaintiff's lack of response to the Order of October 4, 2016 indicates an intent to discontinue prosecuting this case and subjects the case to dismissal. Even affording the Plaintiff an additional nine days (i.e., October 5-14, 2016) to account for any possible delay due to the

effects of Hurricane Matthew, Plaintiff has still failed to respond to the Order of October 4, 2016 in a timely manner.

Therefore, as Plaintiff has failed to prosecute this case and failed to comply with the Court's Order, the case is dismissed without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-36 (1962).

IT IS SO RECOMMENDED.

November 10, 2016 Charleston, South Carolina MARY GORDON BAKER UNITED STATES MAGISTRATE JUDGE

The Plaintiffs' attention is directed to the **Important Notice** on the next page:

## IMPORTANT INFORMATION—PLEASE READ CAREFULLY WARNING TO PRO SE PARTY OR NONPARTY FILERS

All documents that you file with the court will be available to the public on the internet through PACER (Public Access to Court Electronic Records) and the court's Electronic Case Filing System. CERTAIN *PERSONAL IDENTIFYING INFORMATION* SHOULD NOT BE INCLUDED IN OR SHOULD BE REMOVED FROM ALL DOCUMENTS <u>BEFORE</u> YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING.

Rule 5.2, Fed. R. Civ. P., provides for privacy protection of electronic or paper filings made with the court. Rule 5.2 applies to <u>ALL</u> documents submitted for filing, including pleadings, exhibits to pleadings, discovery responses, and any other document submitted by any party or nonparty for filing. Unless otherwise ordered by the court, a party or nonparty filer should not put certain types of an individual's personal identifying information in documents submitted for filing to any United States District Court. If it is necessary to file a document that already contains personal identifying information, the personal identifying information should be "blacked out" or redacted prior to submitting the document to the Clerk of Court for filing. A person filing any document containing their own personal identifying information waives the protection of Rule 5.2(a) by filing the information without redaction and not under seal.

## 1. Personal information protected by Rule 5.2(a):

- (a) Social Security and Taxpayer identification numbers. If an individual's social security number or a taxpayer identification number must be included in a document, the filer may include only the last four digits of that number.
- **(b)** Names of Minor Children. If the involvement of a minor child must be mentioned, the filer may include only the initials of that child.
- **(c) Dates of Birth.** If an individual's date of birth must be included in a document, the filer may include only the year of birth.
- (d) Financial Account Numbers. If financial account numbers are relevant, the filer may include only the last four digits of these numbers.
- 2. <u>Protection of other sensitive personal information such as driver's license numbers and alien registration numbers may be sought under Rule 5.2(d)(Filings Made Under Seal) and (e) (Protective Orders).</u>